

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michelle Dalquist,

Case No. _____

Plaintiff,

NOTICE OF REMOVAL

vs.

SunTrust Bank,

Defendant.

Defendant SunTrust Bank (“SunTrust”), by and through its undersigned counsel, as and for its Notice of Removal of an action filed in the Tenth Judicial District Court, Chisago County, Minnesota to the United States District Court, District of Minnesota, states:

REMOVAL IS TIMELY

1. On or about May 4, 2017, Plaintiff Michelle Dalquist (“Plaintiff”) initiated an action in the Tenth Judicial District Court County of Chisago captioned *Michelle Dalquist v. SunTrust Bank* (the “State Court Action”). The Defendant in the State Court Action is SunTrust. A true and correct copy of the Summons and Complaint is attached hereto as Exhibit 1.

2. SunTrust was served with the Summons and Complaint on May 5, 2017. Accordingly, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within 30 days after Defendant became aware of the Complaint.

3. This Court is in the district and division “embracing the place where [the State Court] action is pending.” 28 U.S.C. § 1441(a). The Tenth Judicial District Court for the County of Chisago is located in the District of Minnesota.

FEDERAL QUESTION JURISDICTION EXISTS

4. The Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, as a civil action arising under the Constitution or the laws of the United States, because Plaintiff alleges that SunTrust violated a federal statute; specifically, the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.* (Ex.1, Compl. Count I.) *See also Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 132 S. Ct. 740 (2012).

DEFENDANT HAS COMPLIED WITH THE REMOVAL PROCEDURES

1. As required by 28 U.S.C. § 1446(a), SunTrust has attached as Exhibit 1 to this Notice of Removal a copy of all process, pleadings and order served upon it relating to the State Court action.

2. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served upon Plaintiff, by and through her counsel of record, and filed with the Clerk of the Tenth Judicial District Court, Chisago County, Minnesota, the State Court under which the Plaintiff initially commenced an action against SunTrust.

3. Based on the foregoing, SunTrust is entitled to remove this action to this Court under 28 U.S.C. § 1441, *et seq.*

DEFENDANT SUNTRUST RESERVES ALL DEFENSES

4. SunTrust’s Answer or other response to the Complaint was not due prior to filing this Notice of Removal because Plaintiff granted SunTrust an extension to Answer until June 7, 2017. By filing this Notice of Removal, SunTrust does not waive any defense or counterclaim that may be available to it, including jurisdictional defenses. As required under Fed. R. Civ. P. 81(c)(2), SunTrust will respond to the Complaint within the time set forth therein, unless an extension of the deadline is properly obtained pursuant to this Court’s approval.

WHEREFORE, SunTrust respectfully removes the above-referenced cause of action from the Tenth Judicial District Court, Chisago County, Minnesota to the United States District Court, District of Minnesota, submits that no further proceedings be had in Minnesota State Court, and requests such other and further relief as is necessary and proper.

Dated: June 5, 2017

s/Angela Beranek Brandt
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